

## **Remarks / Arguments**

Claims 1- 28 are pending

### **1. Claim Rejections 35 U.S.C. §102**

Claims 1-7, 10, 16-17, 20, 21, 23 and 25 were rejected under 35 U.S.C. § 102(a) as being anticipated by Tillotson et al. '112.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. §2131.

Independent claims 1, 16 and 21 of the present invention contain elements which are not found in Tillotson '112. For example, the flow control baffle of the present invention having an end located proximate to the side discharge opening of the cutting deck is not disclosed in Tillotson '112.

Tillotson '112 discloses a movable gate 20 which can be selectively swung or pivoted to an open position in which it forms a gap 24 in the peripheral wall 14 of the cutting chamber 4. Col. 5:3-7. Deck 2 is provided with an enclosed pocket 50 formed by top wall 12 of deck 2, a front wall 52, and the rear interior wall 54. This pocket 50 is located in front of the rearward cutting chamber 5 to accommodate the flow of clipping from chamber 4 and to receive and confine those clippings such that they fall onto the ground in an area in advance of the rearward cutting chamber 5 rather than having uncontrolled dispersion of the clippings. Col. 6: 40-46.

Tillotson does not disclose a movable gate positioned relative to a side discharge opening of the mower deck. Tillotson discloses a single side discharge opening 34 through which grass clippings are thrown from the cutting deck. The opening define by the movable baffle 20 is an opening between the forward cutting chamber 4 and an interior pocket 50 within the cutting chamber, and is not "a side discharge opening" as that term is understood by those of ordinary skill in the art. Grass exiting the opening defined by movable flow control baffle 20 does not exit the mower deck but instead enters an "enclosed passage or pocket 50" defined within the mower deck. Pocket 50 is formed by a front wall 52 and rear wall 54 and top wall 12 of deck 2. "The pocket 50 is located in front of the rearward cutting chamber 5 to accommodate the flow of clippings from chamber 4 and to receive and confine those clippings such that they fall onto the

ground in an area in advance of rearward cutting chamber 5 *rather than having uncontrolled dispersion of the clippings.*" Col. 6, lines 40-49.

Furthermore, there is no suggestion or motivation to extend the baffle 20 to end proximate to the side discharge chute of the deck as the proposed modification would render the prior art invention unsatisfactory for its intended purpose. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. See, M.P.E.P §2143.01, citing *In re Gordon*, 733 F2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Modification of the deck of Tillotson '112 to utilize the movable flow control baffle of the present invention would render the modified gate device unsuitable for its intended purpose as such a gate would promote an uncontrolled dispersion of the clippings through the side discharge chute.

Reconsideration of the rejection of these claims is solicited.

## **2. Claim Rejections 35 U.S.C. §102**

Claims 1-2, 10-14, 21-22 and 25-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schmidt et al. '358.

Regarding claims 1, 10-13, 21, and 25-28, applicant submits a Declaration pursuant to 37 C.F.R. § 1.131 to establish invention of the subject matter of these rejected claims prior to the effective date of the Schmidt '358.

Reconsideration of the rejection of claims 1, 10-13, 21, and 25-28 is solicited.

## **3. Claim Rejection 35 U.S.C. §103**

Claims 8-9, 19 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tillotson in view of Foster '205. In view of the arguments presented above, reconsideration of the rejection of the claims is solicited. The combination of Tillotson and Foster would fail to yield the present invention.

#### **4. Claim Rejection 35 U.S.C. §103**

Claims 15 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tillotson in view of Heisman et al. '495. In view of the arguments presented above, reconsideration of the rejection of the claims is solicited. The combination of Tillotson and Heisman would fail to yield the present invention.

#### **5. Request for Reconsideration and Allowance**

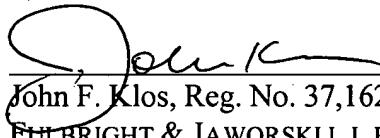
Based upon the above Amendments and Remarks, claims 1-28 are believed to be in proper form for allowance, and patentable over the prior art made of record. Applicant respectfully requests reconsideration of those claims and a prompt Notice of Allowance thereon.

Please direct any questions or comments regarding this application to John F. Klos at (612) 321-2806.

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Respectfully submitted,

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